




George R. Hodges
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

IN THE MATTER OF:

**NAME: FARMER, RAYMOND B.
FARMER, DIANE P.
FARMER, JOSHUA A.
FARMER, ANDREA G.**

**CHAPTER 11 CASE NO. 10-40269
CONSOLIDATED WITH 10-40270
OUR FILE NO. 13090**

**ADDRESS: 305 HONEYSUCKLE DRIVE
RUTHERFORDTON, NC 28139**

DEBTORS.

**CONSENT ORDER REGARDING HEARING AND DISCOVERY
ON MOTION FOR RELIEF FROM AUTOMATIC STAY OR IN THE ALTERNATIVE
ADEQUATE PROTECTION OF U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE
TRUSTEE OF THE HOMEBANC MORTGAGE TRUST 2005-4 BY AND THROUGH EMC
MORTGAGE CORPORATION**

THIS CAUSE coming on to be heard before the undersigned Bankruptcy Court Judge for the Western District of North Carolina, Charlotte Division, upon the filing of a Motion for Relief from Automatic Stay or in the Alternative Adequate Protection, and an adversary proceeding (being case number 10-3305) pending before this e Court, and after reviewing the pleadings and record and being advised that this order is entered into with the consent of all parties, makes the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. A Motion for Relief from Automatic Stay or in the Alternative Adequate Protection was filed by U.S. Bank National Association, as Indenture Trustee of the HomeBanc Mortgage Trust 2005-4

by and through EMC Mortgage Corporation (collectively referred to herein as "EMC Mortgage"), regarding the residential real property of the above captioned debtors located at 305 Honeysuckle Drive, Rutherfordton, NC 28139.

2. The Debtors filed an Objection to the Motion for Relief from Automatic Stay or in the Alternative Adequate Protection, Motion to Dismiss and Request for Production of Documents. Debtors additionally served a Qualified Written Request on EMC Mortgage.

3. The Debtors filed an adversary proceeding, being case number 10-3305, seeking a declaratory judgment, injunctive and equitable relief as provided for by Rules 3001, 3007, 7001(7) and 7001(9) of the Federal Rules of Bankruptcy Procedure and damages against EMC Mortgage for violation of the automatic stay provided by Section 362(a) of Title 11 of the United States Code.

4. The hearing on the Motion for Relief from Automatic Stay or in the Alternative Adequate Protection, Debtors' Objection and the Motion to Dismiss is scheduled to be heard on January 12, 2011 at 9:30 a.m. in Charlotte, NC.

5. All parties consent to the entry of this Consent Order regarding the hearing and the pending discovery requests, all parties to this proceeding were served with Notice, are properly before this Court, and this Court has proper jurisdiction over this proceeding.

BASED UPON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND BY AND WITH THE CONSENT OF THE PARTIES, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The Motion for Relief from Automatic Stay or in the Alternative Adequate Protection, Debtors' Objection, Motion to Dismiss and Discovery Requests will be substantively combined with Adversary Proceeding case number 10-3305 and will be heard by the court, if necessary, at the conclusion of the adversary case.

2. The current pending discovery requests will be stayed until the answer is filed and the parties hold the Rule 26 pre-trial conference.

3. The Debtors consent to this Order with a full reservation of rights as to any all claims that have been, might be or could be raised in the pending adversary proceeding and without any admissions for or against any rights, claims or interests they have asserted or might assert in the said proceeding. This Order is entered into solely for administrative convenience only in order to save both court and attorney time on a contested matter and adversary proceeding that involve the same or similar issues of fact.

4. EMC Mortgage also consents to this Order with the same reservation of rights on its part and without any admissions of any sort as to the claims or factual allegations asserted by the Debtors in the Objection to the Motion for Relief from Stay or in the Adversary Proceeding.

5. The hearing on the pending Motion for Relief from Automatic Stay or in the Alternative Adequate Protection shall be continued until the entry of a final order in the above-referenced Adversary Proceeding.

6. The automatic stay provided for by Section 362(a) of the Bankruptcy Code shall be continued until a final order is entered in connection with the Motion for Relief from Automatic Stay or in the Alternative Adequate Protection.

7. All parties agree and consent to the entry of this order.

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order

United States Bankruptcy Court

WE CONSENT:

/S/ O. Max Gardner, III
O. MAX GARDNER III
Attorney for the debtors

/S/ Matt Underwood
Matt Underwood
Attorney for EMC Mortgage